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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,)	CASE NO. CR 20-0046 CRB
)	
14 Plaintiff,)	[PROPOSED] DETENTION ORDER
)	
15 v.)	
)	
16 JOHAN ZELAYA,)	
)	
17 Defendant.)	
)	

18
19 On February 4, 2020, defendant Johan Zelaya aka Johan Zelaya-Archaga was charged by
20 indictment with possession of controlled substances with intent to distribute, in violation of Title 18
21 United States Code Section 841(a)(1) and (b)(1)(C).

22 This matter came before the Court on February 24, 2020 for a detention hearing. The defendant
23 was present and represented by Sophia Maria Whiting, Esq. Assistant United States Attorney Marja-
24 Liisa (Mari) Overbeck appeared for the government. The government moved for detention, and the
25 defendant opposed. At the hearing, counsel submitted proffers and arguments regarding detention.

26 Upon consideration of the facts, proffers and arguments presented, and for the reasons stated on
27 the record, the Court finds by a preponderance of the evidence that no condition or combination of
28 conditions will reasonably assure the appearance of the person as required. Accordingly, the defendant

1 must be detained pending trial in this matter.

2 The present order supplements the Court's findings and order at the detention hearing and serves
3 as written findings of fact and a statement of reasons as required by Title 18, United States Code,
4 Section 3142(i)(1). As noted on the record, the Court finds by a preponderance of the evidence that no
5 condition or combination of conditions will reasonably assure the appearance of the defendant as
6 required, including because (1) the defendant has a history of violating conditions of release, including
7 the unauthorized removal of a GPS ankle monitor; (2) at the time of his arrest, and after having cut off
8 his GPS ankle monitor, the defendant fled from police custody in a foot chase that took place on Mission
9 Street in San Francisco, California; (3) the defendant has spent more of his life in Honduras, which is
10 where his parents and siblings—with whom the defendant maintains regular contact—currently reside;
11 and (4) the defendant currently resides at an unknown address in Oakland, California. These findings
12 are made without prejudice to the defendant's right to seek review of defendant's detention, or file a
13 motion for reconsideration if circumstances warrant it.

14 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

15 1. The defendant be, and hereby is, committed to the custody of the Attorney General for
16 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving
17 sentences or being held in custody pending appeal;

18 2. The defendant be afforded reasonable opportunity for private consultation with counsel;
19 and

20 3. On order of a court of the United States or on request of an attorney for the government,
21 the person in charge of the corrections facility in which the defendant is confined shall deliver the
22 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a
23 court proceeding.

24 IT IS SO ORDERED.

25 DATED: February 25, 2020

26 
27 HON. JOSEPH C. SPERO
28 United States Magistrate Judge